

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MERT DUYMAYAN,
Plaintiff,
v.
VALLEY HOSPITAL,
Defendant.

Case No. 2:25-cv-00221-APG-NJK
REPORT AND RECOMMENDATION

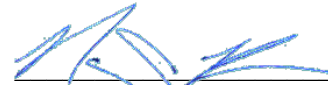
The Court has a duty to ensure that it has subject matter jurisdiction over the dispute before it, an issue it may raise at any time during the proceedings. *See, e.g.*, Fed. R. Civ. P. 12(h)(3). Federal courts are courts of limited jurisdiction and possess only that power authorized by the Constitution and statute. *See Rasul v. Bush*, 542 U.S. 466, 489 (2004). “A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears.” *Stock West, Inc. v. Confederated Tribes of the Colville Reservation*, 873 F.2d 1221, 1225 (9th Cir. 1989). “The party asserting federal jurisdiction bears the burden of proving that the case is properly in federal court.” *McCauley v. Ford Motor Co.*, 264 F.3d 952, 957 (9th Cir. 2001) (*citing McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 189 (1936)).

Plaintiff’s complaint does not establish subject matter jurisdiction. Plaintiff’s case relates to a psychiatric hold in the hospital. Docket No. 1-1 at 4. The complaint identifies no federal cause of action or federal question. *See* 28 U.S.C. § 1331. Further, diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) does not exist here because Plaintiff submits that he is a resident of Nevada and Defendant is a corporation incorporated in Nevada. *See* Docket No. 1-1 at 3-4. Moreover, there appears to be no plausible basis on which to allege jurisdiction; therefore, amendment of the complaint is not warranted.

1 Accordingly, the application to proceed *in forma pauperis* is **DENIED**. Docket No. 1.
2 Further, the undersigned **RECOMMENDS** that this case be **DISMISSED** for lack of subject
3 matter jurisdiction.

4 IT IS SO ORDERED.

5 Dated: March 21, 2025

6 
7 Nancy J. Koppe
United States Magistrate Judge

8 **NOTICE**

9 This report and recommendation is submitted to the United States District Judge assigned
10 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
11 recommendation must file a written objection supported by points and authorities within fourteen
12 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
13 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
14 F.2d 1153, 1157 (9th Cir. 1991).